

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 4/21/03.

I. DISPUTE

Whether there should be reimbursement for psychiatric diagnostic interview - 90801, psychological testing - 90830-BAP, -CRI, -BDI, biofeedback - 90915-B, -HR,-PNG, biofeedback - 90900, preparation of report – 90889 and individual psychotherapy -90844 from 6/11/02 through 9/20/02 denied for lack of medical necessity.

II. RATIONALE

Rule 134.600 (b)(1) states, “The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care required to treat a compensable injury... when...

- (B) preauthorization of any health care listed in subsection (h) of this section was approved prior to providing the health care;”

Rule 134.600 (h) states, health care requiring preauthorization includes:...(i)

- (1) all psychological testing and psychotherapy, repeat interviews, and biofeedback; except when any service is part of a preauthorized or exempt rehabilitation program;

The requestor submitted two letters of preauthorization, dated 6/6/02 and 8/13/02, indicating all disputed services had been preauthorized prior to delivery of service. Medical necessity can not be determined retrospectively once preauthorization is obtained. Reimbursement is recommended for all services with a MAR (psychiatric diagnostic interview - 90801, psychological testing - 90830-BAP, -CRI, -BDI, biofeedback - 90900, preparation of report – 90889 and individual psychotherapy -90844 from 6/11/02 through 9/20/02) listed in the Commission Medical Fee Guideline (MFG).

Several services were submitted that did not have a MAR listed per the MFG. These services were biofeedback - 90915-B, 90915-HP and 90915-PNG. Commission Rule 133.307 (g)(3)(D) states, “ if the dispute involves health care for which the commission has not established a maximum allowable reimbursement, documentation that discusses, demonstrates, and justifies that the payment amount being sought is a fair and reasonable rate of reimbursement in accordance with §133.1 of this title (relating to Definitions) and §134.1 of this title (relating to Use of the Fee Guidelines);”

The requestor failed to discuss, demonstrate and justify their charges as required by Rule 133.307 (g)(3)(D). On this basis, reimbursement for those services without a MAR (biofeedback –90915-B, 90915-HP and 90915-PNG) is not recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for psychiatric diagnostic interview – 90801, psychological testing - 90830-BAP, -CRI, -BDI, biofeedback - 90900, preparation of report – individual psychotherapy -90889 and 90844 from 6/12/02 through 9/20/02 in the amount of **\$1,341.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$1,341.00** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 22nd day of January 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

NLB/nlb